

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

U.S. BANK NATIONAL ASSOCIATION,)
)
Plaintiff,)
)
v.)
)
)
LEESBURG PIZZA BUFFET, LLC, *et al.*,)
)
Defendants.)

Case No. 1:12-cv-1514 (GBL/JFA)

ORDER

Upon consideration of the June 14, 2013 Report and Recommendation of United States Magistrate Judge John F. Anderson (Doc. 19), who was designated to conduct a hearing on Plaintiff's Motion for Default Judgment (Doc. 14), no objection having been filed within fourteen (14) days, and upon an independent review of the record,

IT IS HEREBY ORDERED that the Court adopts, as its own, the findings of fact and accepts the recommendation of United States Magistrate Judge Anderson (Doc. 19) and **GRANTS** Plaintiff's Motion for Default Judgment (Doc. 14). The Clerk of Court shall enter **DEFAULT JUDGMENT** in favor of Plaintiff U.S. Bank National Association and against Defendant Leesburg Pizza Buffet, LLC as to Count VI of the Amended Complaint;

IT IS FURTHER ORDERED that the Court **GRANTS JUDGMENT IN DETINUE**, pursuant to the Annotated Code of Virginia Section 8.01-114 and Federal Rule of Civil Procedure 64, and **ORDERS** Defendant Leesburg Pizza Buffet, LLC to surrender any and all collateral equipment, as listed in Exhibit 1 attached hereto, to Plaintiff U.S. Bank National Association within seven (7) days of the date of this Order at a place and time directed by Plaintiff;

IT IS FURTHER ORDERED that after Plaintiff U.S. Bank National Association has

repossessed the equipment pursuant to this Court's Order, the proceeds of the sale, lease, or other disposition of that equipment shall be applied to the costs and expenses of the taking, removing, holding, repairing, selling, or otherwise disposing of the equipment, and then shall be credited toward the balance of the judgment awarded in this action below. If the collateral cannot be found or is damaged or destroyed, judgment will be entered against Defendant Leesburg Pizza Buffet, LLC for the value of any collateral not so returned, plus attorney's fees and costs;

IT IS FURTHER ORDERED that should Defendant Leesburg Pizza Buffet, LLC not comply with this Order by not surrendering the collateral equipment within seven (7) days, the United States Marshal, or any other designated officer, shall use necessary force to take possession of the collateral, or any portion thereof, from Defendant Leesburg Pizza Buffet, LLC at 500 Fort Evans Road, 1A, Leesburg, Virginia 20176, or wherever it may be found, and deliver the same to Plaintiff;

IT IS FURTHER ORDERED that the Clerk of Court enter **DEFAULT JUDGMENT** in favor of Plaintiff U.S. Bank National Association and against Defendants Leesburg Pizza Buffet, LLC; Pizza Rica, LLC; Covered Bridge Pizza, LLC; Paul Miller; and Jessica L. Chestnut, jointly and severally, as to Counts I-V of the Amended Complaint in the amount of \$192,510.41, which includes \$182,786.89 in monetary damages and \$9,723.52 in attorney's fees and costs.

IT IS SO ORDERED.

ENTERED this 5th day of August, 2013.

Alexandria, Virginia
8/5/13

_____/s/
Gerald Bruce Lee
United States District Judge

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)	
Funding Dept	800-325-2236
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
US Bancorp Manifest Funding Service 1450 Channel Pkwy Marshall, MN 56258	
VA, State Corporation Commission	

THIS ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b); do not abbreviate or combine names					
1a. ORGANIZATION'S NAME LEESBURG PIZZA BUFFET, LLC					
OR	1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
1c. MAILING ADDRESS 500 FORT EVANS RD 1A			CITY LEESBURG	STATE VA	POSTAL CODE 20176
1d. SEE INSTRUCTIONS		1e. TYPE OF ORGANIZATION Corporation	1f. JURISDICTION OF ORGANIZATION VA	1g. ORGANIZATIONAL ID #, if any 4436744	
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b); do not abbreviate or combine names					
2a. ORGANIZATION'S NAME					
OR	2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
2d. SEE INSTRUCTIONS		2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any	
3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR'S SPT - insert only one secured party name (3a or 3b))					
3a. ORGANIZATION'S NAME US BANCORP MANIFEST FUNDING SERVICES					
OR	3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS 1450 CHANNEL PARKWAY			CITY MARSHALL	STATE MN	POSTAL CODE 56258
4. THE FINANCING STATEMENT covers the following collateral: THE COLLATERAL SHALL CONSIST OF ALL RIGHT, TITLE AND INTEREST OF THE DEBTOR IN, UNDER AND TO EACH OF THE FOLLOWING THAT ARE USED IN CONNECTION WITH THE DEBTOR'S BUSINESS, AND IN EACH CASE WHETHER NOW OWNED OR EXISTING OR HEREAFTER ACQUIRED OR ARISING.					
1. *GOODS, INCLUDING FIXTURES, TRADES FIXTURES, FURNITURE EQUIPMENT AND INVENTORY;					
2. *DOCUMENTS;					
3. *INSTRUMENTS;					
4. *ACCOUNTS;					
5. *GENERAL INTANGIBLES;					
6. *CHATTEL PAPER, AND					
7. *ANY AND ALL PROCEEDS DERIVED FROM ANY OF THE FOREGOING.					
LOCATION: 500 FORT EVANS RD 1A, LEESBURG VA 20176					
5. ALTERNATIVE DESIGNATION (if applicable): LESSOR LESSOR CONSIGNEE/CONSIGNOR SALE/REBATOR SELLER/BUYER AG. UEN NON-UCF FILING					
6. THIS FINANCING STATEMENT IS TO BE USED (for recording or recording) IN THE REAL ESTATE RECORDS. (for recording) IN THE REAL ESTATE RECORDS. (for recording) IN THE REAL ESTATE RECORDS.					
7. CHECK TO REQUEST SEARCH REPORT(S) on Debtor (s) (optional)					
8. OPTIONAL FILER REFERENCE DATA 925916					
31340160					

FILING OFFICE COPY — UCC FINANCING STATEMENT (FORM UCC-1) (REV. 05/22/92)

